

REMARKS

Claims 1, 13, 17, 22, and 29 have been amended to clarify the subject matter regarded as the invention. Claims 1 – 31 are pending.

Claims 1, 13, 17, 22, and 29 have been rejected under 35 U.S.C. §112, second paragraph for being indefinite. The term “previously set non-price parameter” has been amended to recite “said/the at least one non-price parameter”. The term “unlocking” is believed to be definite. As indicated in the amendment received at the Patent Office on July 7, 2008, support for “locking” can be found in page 23, lines 8 – 26. One of ordinary skill in the art reading the specification would know what the term “locking” means. Amended claims 1, 13, 17, 22, and 29 are believed to satisfy the requirements of 35 U.S.C. §112, second paragraph.

Independent claims 11, 17, and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ausubel in view of Takeshi in view of Centner et al. and further in view of Official Notice.

If Official Notice is taken of a fact (unsupported by documentary evidence), the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable. See MPEP 2144.03(B). In rejecting independent claims 1, 17, and 22 on pages 6, 11, and 15 (respectively), the Examiner merely recites the claimed subject matter, which is not a technical line of reasoning which is clear and unmistakable. The subject matter for which Official Notice is taken recites a specific combination of elements which are not common knowledge or well-known in the art. One element is that a bid parameter is locked. Not all auction systems are so configured to have locking capabilities. Another element is that the particular bid parameter which is locked is the at least one non-price parameter. If there are other auction systems with locking capabilities, some of them may lock some other parameter or value and not the non-price parameter. Also, if an indication associated with unlocking the at least one non-price parameter is received prior to receiving the request to change the at least one non-price parameter, the requested change is performed as recited in the subject matter. Even if there are other auction systems with locking capabilities that lock the non-price parameter, not all of them will permit the non-price parameter to be unlocked once locked. For example, a lock may be permanent and once a parameter or other value is locked it cannot be unlocked. The specific combination of

elements recited in the subject matter for which Official Notice is taken is not common knowledge or well-known in the art.

Applicants have specifically pointed out the errors in the examiner's action, including explaining why the subject matter for which Official Notice has been taken are not common knowledge or well-known in the art. Applicants respectfully request the Examiner to provide documentary evidence in the next Office action if the rejection of claims 1, 17, and 22 is to be maintained, per MPEP 2144.03(C).

Claims 2 – 12, 18 – 21, and 23 – 28 depend respectively from claims 1, 17, and 22 and are believed to be allowable for the same reasons described above.

Independent claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Ausubel in view of Parunak et al. in view of Takeshi in view of Centner et al. and further in view of Official Notice.

In rejecting independent claim 13 on page 18, the Examiner merely recites the claimed subject matter, which is not a technical line of reasoning which is clear and unmistakable. For the same reasons described above, Applicants traverse the finding and respectfully request the Examiner to provide documentary evidence in the next Office action if the rejection of claim 13 is to be maintained, per MPEP 2144.03(C).

Claims 14 – 16 depend from claim 13 and are believed to be allowable for the same reasons described above.

Independent claim 29 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Ausubel in view of Popolo in view of Takeshi in view of Centner et al. and further in view of Official Notice.

In rejecting independent claim 29 on pages 26 – 27, the Examiner merely recites the claimed subject matter, which is not a technical line of reasoning which is clear and unmistakable. For the same reasons described above, Applicants traverse the finding and respectfully request the Examiner to provide documentary evidence in the next Office action if the rejection of claim 29 is to be maintained, per MPEP 2144.03(C).

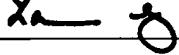
Claims 30 – 31 depend from claim 29 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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